

1868

# HOMES FOR THE HOMELESS.

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## WHAT THE REPUBLICAN PARTY HAS DONE FOR THE POOR MAN.

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No more important act to the poor man, whom it was intended exclusively to benefit, was ever enacted by Congress than the Homestead Law, which originated with, and was passed by, the votes of the Republican members of the Thirty-Seventh Congress. Enacted during the dark days of the Rebellion, at a time when hundreds and thousands of the laboring men of both sections of the country were arrayed in deadly hostility to each other, it has failed to attract that attention, especially in the Southern communities, which its great importance demands.

The result of the rebellion in the emancipation of the slaves of the South, the enactments of Congress whereby these former bondmen have been made citizens of our great Republic, and the amendment of the original Homestead Act of 1862, so as to confer its benefits on all who may choose

to avail themselves of the same, irrespective of race or color, has greatly increased its importance by opening up a channel through which may be reached and permanently benefited a large class of industrious, law-abiding citizens, not contemplated as coming under its benign operations at the time of its adoption. In order, therefore, that this law may become better known and more widely disseminated among that class it is destined to so greatly benefit, it has been thought best to explain its provisions in the form of a simple dialogue, wherein every section and amendment is made so plain that all may learn how to proceed to avail themselves of the beneficent offer thus proffered by a still more beneficent government through the votes of the Representatives of the great National Republican Party in Congress.



Q. What is the meaning of the Homestead Law?

A. It is an Act originally passed by the Republican members of the Thirty-Seventh Congress, afterwards amended by members of the same party May 20th, 1864, and March 21st, 1866, granting a portion of the Public Lands to actual settlers.

Q. Who are entitled to its benefits?

A. The intention of the framers and supporters of this law designed it as a benefit to the poor man, but any person who is a citizen of the United States, or who has declared his intention to become such under the laws of the United States, and who is—

First—The head of a family, whether male or female;

Second—Who has arrived at the age of twenty-one years;

Third—Who has served in the army or navy of the United States during actual war, for at least fourteen days, (whether twenty-one years of age or not,) and who has never borne arms against the government of the United States, or given aid and comfort to its enemies, are entitled to its benefits. This last clause, however, has been so amended as to allow those who were enemies to the government during the late slave-holder's rebellion to avail themselves of its benefits.

Q. What amount of land does this law grant to actual settlers?

A. One hundred and sixty acres, or a less quantity, of the surveyed public lands of the United States. The land must be in a compact body, and in conformity to the lines of the public surveys, unoccupied and subject to entry under the pre-emption laws, at one dollar and twenty-five cents per acre. What is called double minimum or Railroad Reserved Sections, may be taken at the double minimum rates, that is, eighty acres of two dollar and fifty cent land may be taken in place of the one hundred and sixty acres at one dollar and twenty-five cents per acre.

Q. Can a person secure more than one hundred and sixty acres of these lands?

A. No. But any person owning and residing on land may enter contiguous land, which, with that already owned and occupied, must not exceed in the aggregate one hundred and sixty acres.

Q. What steps should be taken to secure the benefits of this law?

A. An applicant for the benefits of the Homestead Law is required to file with the Register of the United States local Land

Office, for the District in which he desires to locate lands, his application as follows:

(FORM A.)

### H O M E S T E A D .

Application } { Land Office at—, }  
No.—, } { ————186 . }

I, ———, of ———, do hereby apply to enter, under the provisions of the Act of Congress approved May 20th, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," the ——— section ——— in Township ——— of range ———, containing ——— acres.

[In pre-emption cases the following should be added:

"Having filed my pre-emption declaration thereon on— day of ———, 186 ."]

(Signature of Applicant.)

On filing such application the Register of the Land Office will issue to you the following certificate:

(FORM B.)

### H O M E S T E A D .

Certificate } { Land Office at—, }  
No.—. } { ————186 . }

I, ———, Register of the Land Office, do certify hereby that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under the Homestead Act of May 20th, 1862, and that there is no prior, valid, adverse right to the same.

Register.

There are one or two other blank forms necessary, which I will proceed to give you as follows:

(FORM C.)

### H O M E S T E A D .

Land Office at—, }  
—————186 . }

I, ———, of ———, having filed my application No. ———, for an entry under the provisions of an Act of Congress, approved May 20th, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," do solemnly swear, that [Here state whether you are the head of a family, or over twenty-one years of age; whether a citizen of the United States, or have filed your declaration of intention of becoming such; or, if under twenty-one years of age, that you have served not less than fourteen days in the



army or navy; that said Application No. — is made for your exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever.]

Sworn to and subscribed, this — day of —, 186 , before

(Register or Receiver,) of the Land Office.

(FORM D.)

### H O M E S T E A D .

Receiver's Receipt, } { Application  
No —, } { No.—.  
Receiver's Office at —, }  
—186. }

Received of — the sum of — dollars and — cents, being the amount of fee, and one-half the compensation of Register and Receiver, for entry of — section, — in Township — of range —, under the Act of Congress entitled "An Act to secure Homesteads to actual settlers on the public domain."

—, Receiver.

Q. How long must one reside on this land before receiving a title or deed to it from the government?

A. Five years settlement and cultivation is required by the law; but if the settler so desire, he may, after settlement and cultivation of the tract as entered above, prove such settlement by disinterested witnesses to the satisfaction of the Commissioner of the General Land Office, when he will have the right to pay for the same, instead of waiting five years for his title as provided in the law.

Q. To whom is this money paid?

A. It is paid to the Receiver of the Land Office of the District in which the land is located. Upon its payment the Receiver will issue to you the following certificate:

Certificate } { Application  
No.—, } { No.—.

Land Office at —, }  
—186. }

It is hereby certified, That, pursuant to the provisions of the Act of Congress approved May 20th, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," — has made payment in full for — of section —, in township —, of range —, containing — acres.

Now, therefore, be it known, That on presentation of this certificate to the Com-

missioner of the General Land Office, the said — shall be entitled to a patent for the tract of land above described.

—, Receiver.

Q. What is a patent?

A. A patent is the deed issued by the Government through the Commissioner of the General Land Office, whose office is in Washington City, and who has charge of all the lands belonging to the government of the United States.

Q. Is it necessary to go to Washington to secure this patent or deed?

A. Not at all. It will be sent by mail to the Register of the Land Office in the District in which your land is located, or to your own address if you so desire it, after having paid the necessary fees.

Q. Does the government make no charge whatever for the land, or for the trouble and expense of conveying it to settlers?

A. Yes, a small sum. The fee required to be paid on a Homestead entry is ten dollars for the use of the government, and one per cent. *commissions* to each of the officers—the Register and the Receiver—on the value of the land, at \$1.25 or \$2.50 per acre, as the case may be. For instance, one hundred and sixty acres of land, at \$1.25 per acre, is \$200. One per cent on this amount is \$2.00, and as the Register and Receiver are to receive \$2.00 each, it makes your land cost, with the \$10 paid for the use of the government, \$14. To be added to this, however, is \$4.00 more, \$2.00 to the Register and \$2.00 to the Receiver, for the cost in issuing the patent, making the total cost of the one hundred and sixty acres of land but \$18.00.

The following tabular forms will perhaps give you a clearer idea of the fees necessary to be paid in the different States in which public lands may be secured under the Homestead Law. For homestead entries on *surveyed* lands in Michigan, Wisconsin, Iowa, Missouri, Minnesota, Kansas, Nebraska and Dakota, fees are to be paid according to the following table:

Acres.	Price per acre.	COMMISSIONS.		FEES.	Total Fees and Commissions.
		Payable when entry is made.	Payable on issue of Patent	Payable when entry is made.	
160	\$1 25	\$4 00	\$6 00	\$10 00	\$18 00
80	1 25	2 00	3 00	5 00	9 00
40	1 25	1 00	1 50	5 00	7 00
80	2 50	4 00	6 00	10 00	18 00
40	2 50	2 00	3 00	5 00	9 00

In the Pacific States and other political divisions, viz: On *surveyed* lands in California



Nevada, Oregon, Colorado, New Mexico, and Washington, and in Arizona, Idaho, and Montana, where subdivisional surveys shall have been made in the three last-mentioned Territories the commission and fees are to be paid according to the following table :

Acres.	Price per acre.	COMMISSIONS.		FEES.	Total Fees and Commissions.
		Payable when entry is made.	Payable on issue of Patent.	Payable when entry is made.	
160	\$1 25	\$6 00	\$6 00	\$10 00	\$22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00
80	2 50	6 00	6 00	10 00	22 00
40	2 50	3 00	3 00	5 00	11 00

SOUTHERN LAND STATES.

Acres	Price per acre.	COMMISSIONS.		FEES.	Total.
		Payable at date of entry.	Payable when entry is consummated	Payable when patent issues.	
80	\$1 25	\$2 00	\$2 00	\$5 00	\$9 00
40	1 25	1 00	1 00	5 00	7 00
40	2 20	2 00	2 00	5 00	9 00

Q. In cases where settlers are indebted, after securing a title, can claimants come forward, procure judgment, and take possession of your land?

A. No. A wise provision of this law protects the homestead thus secured from all debts contracted prior to the issue of the patent.

Q. Did I understand you to say that it required a five years' residence on, and cultivation of these lands to secure a patent?

A. Yes, unless paid for under the 8th section of the act as above explained. An abandonment for more than six months within the five years residence required is cause of forfeiture.

Q. In case of the death of the settler, can the land be disposed of?

A. Yes; it may be sold for the benefit of the infant heirs, but for no other purpose. Where but one parent dies, the heirs may continue the settlement and cultivation, and obtain title upon requisite proof at the proper time. Pre-emptions upon surveyed \$1.25 lands may be transmuted into homesteads if no other rights shall have intervened.

Q. What is a pre-emption right?

A. It is a preference right to purchase the tract of public land upon which the claimant resides and has made improvements, at the minimum price of \$1.25 or

\$2.50 per acre, as the case may be; and it carries the right to transmute the claim into a homestead, upon due proof of settlement and cultivation. Pre-emptions may be made upon surveyed or unsurveyed lands.

Q. In case of the abandonment of a Homestead, can a settler make a second entry?

A. No. As the law allows but one homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry. Where an individual has made settlement on a surveyed tract and filed his pre-emption declaration therefor, he may change his filing into Homestead, as I have just stated; yet such change is inadmissible where an adverse right has intervened, but in such cases the settler has the privilege of perfecting his title under the pre-emption laws.

Q. Is it necessary to visit the Land Offices in order to transact the business required to locate lands under the Homestead law?

A. Not always. Persons residing at a distance from the Land Office may make application before the Clerk of the County Court in which he or she resides, and transmit the same, with the necessary fees, to the Register and Receiver, in which case the same forms will be used, only making the necessary alterations as to the officer before whom the affidavit and application are made. Provision is also made for those engaged in the military or naval service of the United States. Such persons may enter land under the Homestead Act by duly authorized agents or attorneys. The necessary affidavits and applications, as well as the power of attorney, must be verified before the immediate commanding officer. The time which he remains in the service will be counted as residence upon, and occupancy of the land; but, upon leaving the service, he must, within a reasonable time, repair to the land and remain upon and cultivate the same in good faith, or his claim will become forfeited.

Q. At the commencement of our conversation you spoke of the law being so amended as to allow those who were enemies of the Government during the late rebellion to avail themselves of its benefits to a certain extent. Will you please explain this?

A. With pleasure. The Republican party is opposed to monopoly, and especially so in regard to a monopoly of lands. The history of our government has shown that in the Southern States, where this system of land monopoly has existed to a much greater extent than in any other section of our



country, it has greatly retarded the progress, and not only impoverished the limited amount of lands cultivated, but greatly impoverished and oppressed the poorer class of its citizens.

Q. But why extend its benefits to those who were so recently in rebellion against its authority?

A. Simply because the greater portion of those who composed the rank and file of the late rebel army, were poor men, and hundreds and thousands of them were forced into the service and made to fight against a Government they never ceased to love and revere. Here, again, you should be reminded of the fact that the Republican party is a great national party, that it is in no way selfish or vindictive, that it is composed of men who have the best interests of all the people of this great country at heart—men who are anxious to forgive and forget all past offenses where sincere repentance is manifested. They have compared and contrasted the Southern States, with their system of land monopoly and slavery, with those of the free North, where the land is divided up into small farms; and while they have seen the former every year retrograding, they have witnessed the latter steadily progressing in wealth, refinement, civilization,—indeed, everything that tends to make a people happy, intelligent, and independent. In order to give these poor people of the South an opportunity to break up, as far as in the power of the government to do so, the land monopoly system which has so long oppressed them, and retarded the progress of their States, it was only necessary to abolish that clause of the act which requires the applicant to swear that he had never borne arms against the Government of the United States, and to cause it to apply to the public lands yet belonging to the Government in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida. This was done in the Amendatory Act, approved March 21, 1866.

Q. Were any other amendments made in this act which you state was approved March 21, 1866?

A. Yes. The first section of this supplemental act restricted entries of public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, to not more than a half-quarter section, or 80 acres, when held at \$1.25 per acre. Should the tract selected, however, be \$2.50 per acre, land only half that quantity, or 40 acres, can be entered according to the fixed principle in

the original statute of 1862, the law imposing this restriction as to quantity in said States for two years from its passage. After the expiration of that time, however, entries as to quantity will be governed by the provisions of the 1st section of the act of May 20th, 1866.

This section further provides that the benefits of the law shall be extended to citizens of the United States without distinction or discrimination as to race or color, and that no *mineral lands* shall be liable to Homestead entry for settlement, under its provisions. In lieu of the \$10 fee required by act of May 20th, 1862, to be paid at the time of entry, the sum of \$5 is to be paid *at the time of the issue of the patent*. The commissions of the Register and Receiver shall be the same as provided for in the acts of May 20th, 1862, and March 21st, 1864; with the exception of the States of California, Oregon, Nevada, and the Territories of Washington, Colorado, Idaho, New Mexico, and Arizona, where 50 per centum is added to the fees of the officers above named. It should be remembered that the fee is reduced to \$5 only where the entry shall not embrace more than *eighty* acres, held at \$1.25 per acre; but where the entry is in excess of that quantity, the usual fee of \$10 must be paid.

Q. You have spoken of Reserved Railroad lands. Are there not some such in some of the Southern States?

A. Yes, there are vast quantities of very valuable lands in some of these States which may be properly classed under this head.—In Mississippi there are 2,612,120 acres; in Alabama, 3,729,120; in Florida, 2,310,113; in Louisiana, 1,577,720; in Arkansas, 2,880,027. These lands were donated by Congress in 1856, to the States in which they are located, for railroad purposes; but these States having failed to comply with the law, by building railroads within the time stipulated, (ten years,) the grant has expired by limitation. These vast tracts of lands, therefore, revert to the government. Hon. Geo. W. Julian, Chairman of the Committee on Public Lands, in the lower House of Congress, introduced, at the last session, a bill providing for the retrocession of these lands to the United States. Owing to the shortness of the session, the bill was not acted upon; but it will no doubt be taken up and considered the next session, when these valuable lands will be thrown open to Homestead settlers.



Any desired information in relation to the Public Lands not herein contained, may be obtained by writing to the Register and Receiver of the Land Office for the district in which the lands are situated.

The Public Lands are so nearly exhausted in the States of Ohio, Indiana, and Illinois, that no desirable locations can be made in those States.

The quantity of Public Lands subject to entry under the Homestead law in the other States and Territories is about one hundred and forty millions of acres.

In the five Southern land States the whole of the public domain is expressly reserved for the occupation of the Homestead settler, and is located as follows:

In Arkansas,.....	9,298,012 acres.
" Alabama.....	6,732,058 "
" Florida.....	19,379,035 "
" Louisiana.....	6,228,102 "
" Mississippi.....	4,760,736 "
Total.....	46,398,543 acres.

The United States owns about 900,000,000 of acres of unsurveyed land, all of which will be free to the Homestead settler as fast as the lines of public surveys are extended over it.

Thus it is seen that the beneficent policy of the Republican party offers *free homes* to all our people who may choose to reside upon and cultivate them.

The 140,000,000 of acres at present open to the Homestead settler, divided into farms of 160 acres each would furnish homes for *seven hundred thousand families*. Supposing each family to average five persons, the free homes now offered to the landless laborers of the nation would accommodate three millions five hundred thousand persons.

When the nine hundred millions of acres of unsurveyed lands shall be added to this munificent concession to the homeless, six millions two hundred and fifty thousand families will each have been offered a home of one hundred and sixty acres. The number of families multiplied by five,—the average of the family—gives thirty-one millions two hundred and fifty thousand persons; a number nearly equal to the entire population of the United States. Therefore, it may with truth be said, the Government, through the benign policy of the Republican party, offers homes to all its people.